

U.S. DISTRICT COURT
N.D. of N.Y.
FILED
JUN 15 2017
LAWRENCE K. BAERMAN, CLERK

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

• 445 Broadway; Albany, NY. 12207-2942

Unified United States Common Law Grand Jury;¹

P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace²

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WY, WI, WY;

Grand Jury, Sovereigns of the Court

We the People

- Against -

Governor A. Cuomo, N.Y.S. Senate Majority
Leader John J. Flanagan and N.Y.S. Assembly
Speaker Carl E. Heastie

Defendant

Jurisdiction: Court of Record, under
the rules of Common Law³
Action at law:⁴

Case NO: 1:16-CV-1490

Magistrate: Daniel J. Stewart

ORDER

We the People move the court, ordering Magistrate Daniel J. Stewart to perform his administrative duty as Magistrate of the court by signing and sealing the attached default order "as required by law".

Default Judgment; Entering a Default: *"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by Affidavit or otherwise [under seal], the clerk must enter the party's default."* FRCP Rule 55(a); FRCP Rule 58(b)(2); 28 U.S.C. §2243.

¹ The UUSCLGJ is comprised of fifty Grand Jurys each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

² **SURETIES OF THE PEACE:** If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

³ **"A Court of Record"** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ **AT LAW:** Bouvier's This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

Five copies are to be signed by Magistrate, attached:

One copy is to be filed in the court.

Four copies are to be mailed to the Unified United States Common Law Grand Jury; P.O. Box 59; Valhalla, NY 10595, for the record and for serving upon Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly.

Ordered by Grand Jury, Sureties of the Peace for ~~We~~ the People under Seal:

SEAL



Grand Jury Foreman

Attached: Five copies Default Judgment Decision and Order

Copied: President Donald Trump, U.S. Rep. Trey Gowdy, U.S. Rep. Jason Chaffetz and Senator Chuck Grassley

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DEFAULT

Default Judgment

We the People move the court for a default judgment against Governor A. Cuomo, N.Y.S. Senate Majority Leader John J. Flanagan and N.Y.S. Assembly Speaker Carl E. Heastie,

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I, Grand Jury Foreman, having firsthand knowledge of the following facts, do hereby swear under seal that the following facts are true and correct:

That, on March 1, 2017, ~~We~~ the ~~People~~ filed papers in the above Article III court thereby opening a court of record.

Whereas New York Governor A Cuomo, New York Senate and the New York Assembly violated and continue to violate the unalienable right of ~~We~~ the ~~People~~ to keep and bear arms, protected under the 2nd Amendment.

WHEREAS: on May 1, 2017 (61 days after serving), defendants defaulted; the record shows that the defendant made no Return; the defendant did not request more time to answer; neither did the defendant provided any objection to the proceedings; and,

The common ploy moving the court for dismissal for “No Standing” used by Attorneys General with a willing judge in order to shield government servants is for slaves, not sovereigns. ~~We~~ the ~~Sovereign People~~ will not accept a dismissal; magistrates have no such leave in this court of record to dismiss by summary proceeding.⁵

THEREBY: the law requires the court be moved for a default judgment. The court is to order the defendants Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly to cease all unconstitutional actions and stop blindly approving BAR legislation into laws that are repugnant to the Constitution. All legislation is to state clearly by what authority they act upon.

~~We~~ the ~~Sovereign People~~ authorize the movement of this court for a default, rendering all legislative infringements upon the second Amendment null and void in the United States including and not limited to N.Y.S. Code §265.20, §265.01, §700.00, §400.00, §265.00, §265.02, §265.35, §35.20, §265.10, §2230 (SAFE ACT). The court is to direct all County Sheriffs to protect the People, from state and federal law enforcement agents who are to cease and desist all abuse against ~~We~~ the ~~Sovereign People~~ for the exercising of our unalienable “*right to keep and bear Arms*”, protected by the 2nd Amendment.

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Default Judgment - Entering a Default: *"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend; and, that failure is shown by Affidavit or otherwise [under seal], the clerk must enter the party's default."* FRCP Rule 55(a); FRCP Rule 58(b) (2); 28 U.S.C. §2243.

*Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit.*⁶

SEAL

DATED: June 5, 2017

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned above a horizontal line.

Grand Jury Foreman

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COMES NOW THE ABOVE-ENTITLED COURT OF RECORD, to review the record, summarily determine the facts, and dispose of the matter as law and justice require.⁴

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The Defendants, Governor A. Cuomo, N.Y.S. Senate, and N.Y.S. Assembly against whom a judgment for affirmative relief is sought, have failed to plead or otherwise defend as provided by these rules; and, that fact is made to appear by Grand Jury Foreman sworn under seal, see attached.

NOW, THEREFORE, THIS COURT OF RECORD issues this Default Judgment Coram Ipso Rege to dispose of the matter as law and justice require, to wit:

SUMMARY

On April 1, 2017, the Grand Jury acting as the Sureties of the Peace on behalf of the People filed in the above-entitled court of record and served upon the Governor and both houses of New York, a writ mandamus to show cause by what authority they act statutorily against the People thereby infringing upon the Peoples' unalienable right to keep and bear arms, protected by the 2nd Amendment and therefore turning a right into a crime thereby being repugnant to both the Constitution for the United States of America and the New York State Constitution.

"The claim and exercise of a constitution right cannot be converted into a crime." -- Miller v. U.S. 230 F 486 at 489

"There can be no sanction or penalty imposed upon one because of his exercise of Constitution rights." -- Sherar vs. Cullen 481 F 2D 946, (1973)

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them" -- Miranda v. Arizona, 384 U.S. 436, 491

The Writ Mandamus to Show Cause presented issues of both fact and law. All respondents were duly⁵ served with the Order to Show Cause. The record shows that no respondent made any Return; no respondent requested more time to answer; and, no respondent provided any objection to the proceedings.

JURISDICTION OF THIS COURT

Article III Section 2: The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; therefore, this court has jurisdiction.

⁵ Duly: According to law, in both form and substance. Black's 6th.

AUTHORITY OF THE GRAND JURY AS SURETIES OF THE PEACE

"If any of our civil servants shall have transgressed against any of the people in any respect; and, they shall ask us to cause that error to be amended without delay; or, shall have broken some one of the articles of peace or security; and, their transgression shall have been shown to four (4) Jurors of the aforesaid twenty five (25); and, if those four (4) Jurors are unable to settle the transgression, they shall come to the twenty-five (25), showing to the Grand Jury the error which shall be enforced by the law of the land." Magna Carta, June 15, A.D. 1215, 61.

Justice Powell, in *United States v. Calandra*, 414 U.S. 338, 343 (1974), stated: *"The institution of the grand jury is deeply rooted in Anglo-American history; [n3] In England, the grand jury [p343] served for centuries, both as a body of accusers, sworn to discover, and present for trial, persons suspected of criminal wrongdoing; and, as a protector of citizens against arbitrary and oppressive governmental action. In this country, the Founders thought the grand jury so essential to basic liberties, that they provided, in the Fifth Amendment, that federal prosecution for serious crimes can only be instituted by a 'presentment or indictment of a Grand Jury'. Cf. Costello v. United States, 350 U.S. 359, 361-362 (1956). The grand jury's historic functions survive to this day. Its responsibilities determination whether there is probable cause to believe a crime has been committed, and the protection of citizens against unfounded criminal prosecutions. Branzburg v. Hayes, 408 U.S. 665, 686-687 (1972)."*

"[R]ooted in long centuries of Anglo-American history," Hannah v. Larche, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result), the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It " 'is a constitutional fixture in its own right.' " United States v. Chanen, 549 F.2d 1306, 1312 (CA9 1977) (quoting Nixon v. Sirica, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977). In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people. Stirone v. United States, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); Hale v. Henkel, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); G. Edwards, The Grand Jury 28-32 (1906). Although the grand jury normally operates, of

course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length. Judges' direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office. United States v. Calandra, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); Fed.Rule Crim.Proc. 6(a).

FINDINGS OF FACT

Therefore, based upon the record before this court the court finds that:

- (1) The plaintiffs are People as contemplated in the Preamble of the Constitution for the United States of America.
- (2) This above-entitled court is a court of record.
- (3) All defendants were duly served; and, court personnel were apprised of the plaintiffs' claims and the Writ; all defendants had full Notice and fair opportunity to argue their cause; and, defendants did not argue their cause.
- (4) The defendants have not presented any evidence.
- (5) The plaintiffs have suffered an unlawful and illegal diminishment of rights that must be restored.

CONCLUSIONS OF LAW

Further, the court concludes that:

- (1) This above entitled court has the sovereign authority to proceed as a court of record with jurisdiction to act in the instant case and subject matter.
- (2) Because all defendants were duly served; and, court personnel were apprised of the plaintiff's Writ; and, because all defendants had full Notice and fair opportunity to argue their cause; and, did not so do; and, because none of the aforementioned persons made a Return, Objection, or Motion, the above-entitled court has acquired "in personam jurisdiction" of each of the defendants.

IT IS ORDERED AND ADJUDGED THAT:

Default Judgment is hereby entered by this court in accordance with Federal Rules of Civil Procedure, Rule 55(b)(2).

Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly cease all unconstitutional actions and stop blindly approving BAR legislation into laws that are repugnant to the Constitution. All legislation is to state clearly by what authority they act upon.

All legislative infringements upon the Second Amendment are hereby null and void in the United States including and not limited to N.Y.S. Code §265.20, §265.01, §700.00, §400.00, §265.00, §265.02, §265.35, §35.20, §265.10, §2230 (SAFE ACT)

THE COUNTY SHERIFFS IS HEREIN ORDERED to protect the People from state and federal law enforcement agents who are to cease and desist all abuse against the ~~S~~overeign ~~P~~eople for the exercising of their unalienable "*right to keep and bear Arms*", protected by the 2nd

*Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit:*⁶

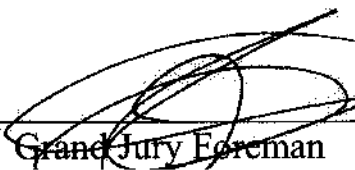
THE COURT, entered this _____ day of _____, 2017.

SEAL

Magistrate: Daniel J. Stewart

Grand Jury, Sureties of the Peace for ~~We~~ the ~~P~~eople

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WHEREAS: on May 1, 2017 (61 days after serving), defendants defaulted; the record shows that the defendant made no Return; the defendant did not request more time to answer; neither did the defendant provided any objection to the proceedings; and,

The common ploy moving the court for dismissal for “No Standing” used by Attorneys General with a willing judge in order to shield government servants is for slaves, not sovereigns. ~~We~~ the Sovereign ~~People~~ will not accept a dismissal; magistrates have no such leave in this court of record to dismiss by summary proceeding.⁵

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The Defendants, Governor A. Cuomo, N.Y.S. Senate, and N.Y.S. Assembly against whom a judgment for affirmative relief is sought, have failed to plead or otherwise defend as provided by these rules; and, that fact is made to appear by Grand Jury Foreman sworn under seal, see attached.

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Article III Section 2: The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; therefore, this court has jurisdiction.

⁵ Duly: According to law, in both form and substance. Black's 6th.

AUTHORITY OF THE GRAND JURY AS SURETIES OF THE PEACE

"If any of our civil servants shall have transgressed against any of the people in any respect; and, they shall ask us to cause that error to be amended without delay; or, shall have broken some one of the articles of peace or security; and, their transgression shall have been shown to four (4) Jurors of the aforesaid twenty five (25); and, if those four (4) Jurors are unable to settle the transgression, they shall come to the twenty-five (25), showing to the Grand Jury the error which shall be enforced by the law of the land." Magna Carta, June 15, A.D. 1215, 61.

Justice Powell, in *United States v. Calandra*, 414 U.S. 338, 343 (1974), stated: *"The institution of the grand jury is deeply rooted in Anglo-American history; [n3] In England, the grand jury [p343] served for centuries, both as a body of accusers, sworn to discover, and present for trial, persons suspected of criminal wrongdoing; and, as a protector of citizens against arbitrary and oppressive governmental action. In this country, the Founders thought the grand jury so essential to basic liberties, that they provided, in the Fifth Amendment, that federal prosecution for serious crimes can only be instituted by a 'presentment or indictment of a Grand Jury'. Cf. Costello v. United States, 350 U.S. 359, 361-362 (1956). The grand jury's historic functions survive to this day. Its responsibilities determination whether there is probable cause to believe a crime has been committed, and the protection of citizens against unfounded criminal prosecutions. Branzburg v. Hayes, 408 U.S. 665, 686-687 (1972)."*

"[R]ooted in long centuries of Anglo-American history," Hannah v. Larche, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result), the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It " 'is a constitutional fixture in its own right.' " *United States v. Chanen*, 549 F.2d 1306, 1312 (CA9 1977) (quoting *Nixon v. Sirica*, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977). *In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people. Stirone v. United States, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); Hale v. Henkel, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); G. Edwards, The Grand Jury 28-32 (1906). Although the grand jury normally operates, of*

course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length. Judges' direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office. United States v. Calandra, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); Fed.Rule Crim.Proc. 6(a).

FINDINGS OF FACT

Therefore, based upon the record before this court the court finds that:

- (1) The plaintiffs are People as contemplated in the Preamble of the Constitution for the United States of America.
- (2) This above-entitled court is a court of record.
- (3) All defendants were duly served; and, court personnel were apprised of the plaintiffs' claims and the Writ; all defendants had full Notice and fair opportunity to argue their cause; and, defendants did not argue their cause.
- (4) The defendants have not presented any evidence.
- (5) The plaintiffs have suffered an unlawful and illegal diminishment of rights that must be restored.

CONCLUSIONS OF LAW

Further, the court concludes that:

- (1) This above entitled court has the sovereign authority to proceed as a court of record with jurisdiction to act in the instant case and subject matter.
- (2) Because all defendants were duly served; and, court personnel were apprised of the plaintiff's Writ; and, because all defendants had full Notice and fair opportunity to argue their cause; and, did not so do; and, because none of the aforementioned persons made a Return, Objection, or Motion, the above-entitled court has acquired "in personam jurisdiction" of each of the defendants.

IT IS ORDERED AND ADJUDGED THAT:

Default Judgment is hereby entered by this court in accordance with Federal Rules of Civil Procedure, Rule 55(b)(2).

Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly cease all unconstitutional actions and stop blindly approving BAR legislation into laws that are repugnant to the Constitution. All legislation is to state clearly by what authority they act upon.

All legislative infringements upon the Second Amendment are hereby null and void in the United States including and not limited to N.Y.S. Code §265.20, §265.01, §700.00, §400.00, §265.00, §265.02, §265.35, §35.20, §265.10, §2230 (SAFE ACT)

THE COUNTY SHERIFFS IS HEREIN ORDERED to protect the People from state and federal law enforcement agents who are to cease and desist all abuse against the Sovereign People for the exercising of their unalienable "*right to keep and bear Arms*", protected by the 2nd

*Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit:*⁶


THE COURT, entered this _____ day of _____, 2017.

SEAL

Magistrate: Daniel J. Stewart

Grand Jury, Sureties of the Peace for ~~We~~ the People

SEAL


Grand Jury Foreman

⁶ Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty. Dig. 50, 17, 20
Default Judgment

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**
• 445 Broadway; Albany, NY. 12207-2936 •

Unified United States Common Law Grand Jury;¹
P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace²

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY;

Grand Jury, Sovereigns of the Court

We the People

- Against -

Governor A. Cuomo, N.Y.S. Senate Majority
Leader John J. Flanagan and N.Y.S. Assembly
Speaker Carl E. Heastie

Defendant

Jurisdiction: Court of Record, under
the rules of Common Law³
Action at law:⁴

Case NO: 1:16-CV-1490

Magistrate: Daniel J. Stewart

DEFAULT

Default Judgment

We the People move the court for a default judgment against Governor A. Cuomo, N.Y.S. Senate Majority Leader John J. Flanagan and N.Y.S. Assembly Speaker Carl E. Heastie,

¹ **The UUSCLGJ** is comprised of fifty Grand Jurys each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

² **SURETIES OF THE PEACE:** If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

³ **"A Court of Record** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ **AT LAW:** Bouvier's This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

I, Grand Jury Foreman, having firsthand knowledge of the following facts, do hereby swear under seal that the following facts are true and correct:

That, on March 1, 2017, ~~We~~ the ~~People~~ filed papers in the above Article III court thereby opening a court of record.

Whereas New York Governor A Cuomo, New York Senate and the New York Assembly violated and continue to violate the unalienable right of ~~We~~ the ~~People~~ to keep and bear arms, protected under the 2nd Amendment.

WHEREAS: on May 1, 2017 (61 days after serving), defendants defaulted; the record shows that the defendant made no Return; the defendant did not request more time to answer; neither did the defendant provided any objection to the proceedings; and,

The common ploy moving the court for dismissal for “No Standing” used by Attorneys General with a willing judge in order to shield government servants is for slaves, not sovereigns. ~~We~~ the Sovereign ~~People~~ will not accept a dismissal; magistrates have no such leave in this court of record to dismiss by summary proceeding.⁵

THEREBY: the law requires the court be moved for a default judgment. The court is to order the defendants Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly to cease all unconstitutional actions and stop blindly approving BAR legislation into laws that are repugnant to the Constitution. All legislation is to state clearly by what authority they act upon.

~~We~~ the Sovereign ~~People~~ authorize the movement of this court for a default, rendering all legislative infringements upon the second Amendment null and void in the United States including and not limited to N.Y.S. Code §265.20, §265.01, §700.00, §400.00, §265.00, §265.02, §265.35, §35.20, §265.10, §2230 (SAFE ACT). The court is to direct all County Sheriffs to protect the People, from state and federal law enforcement agents who are to cease and desist all abuse against ~~We~~ the Sovereign ~~People~~ for the exercising of our unalienable “*right to keep and bear Arms*”, protected by the 2nd Amendment.


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Default Judgment - Entering a Default: *"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend; and, that failure is shown by Affidavit or otherwise [under seal], the clerk must enter the party's default."* FRCP Rule 55(a); FRCP Rule 58(b)(2); 28 U.S.C. §2243.

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SEAL

DATED: June 5, 2017


Grand Jury Foreman

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**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**
• 445 Broadway; Albany, NY. 12207-2936 •

Unified United States Common Law Grand Jury;¹
P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace²

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY:

Grand Jury, Sovereigns of the Court
We the People

Jurisdiction: Court of Record, under
the rules of Common Law³

- Against -

Case NO: 1:16-CV-1490

Governor A. Cuomo, N.Y.S. Senate Majority
Leader John J. Flanagan and N.Y.S. Assembly
Speaker Carl E. Heastie

Magistrate: Daniel J. Stewart

Defendants

Decision and Order

Default Judgment; Entering a Default: *"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by Affidavit or otherwise [under seal], the clerk must enter the party's default."* FRCP Rule 55(a); FRCP Rule 58(b)(2); 28 U.S.C. §2243.

COMES NOW THE ABOVE-ENTITLED COURT OF RECORD, to review the record, summarily determine the facts, and dispose of the matter as law and justice require.⁴

¹ The UUSCLGJ is comprised of fifty Grand Juries each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

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⁴ 28 U.S.C. §2243.

The Defendants, Governor A. Cuomo, N.Y.S. Senate, and N.Y.S. Assembly against whom a judgment for affirmative relief is sought, have failed to plead or otherwise defend as provided by these rules; and, that fact is made to appear by Grand Jury Foreman sworn under seal, see attached.

NOW, THEREFORE, THIS COURT OF RECORD issues this Default Judgment Coram Ipso Rege to dispose of the matter as law and justice require, to wit:

SUMMARY

On April 1, 2017, the Grand Jury acting as the Sureties of the Peace on behalf of the People filed in the above-entitled court of record and served upon the Governor and both houses of New York, a writ mandamus to show cause by what authority they act statutorily against the People thereby infringing upon the Peoples' unalienable right to keep and bear arms, protected by the 2nd Amendment and therefore turning a right into a crime thereby being repugnant to both the Constitution for the United States of America and the New York State Constitution.

"The claim and exercise of a constitution right cannot be converted into a crime." -- Miller v. U.S. 230 F 486 at 489

"There can be no sanction or penalty imposed upon one because of his exercise of Constitution rights." -- Sherar vs. Cullen 481 F 2D 946, (1973)

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them" -- Miranda v. Arizona, 384 U.S. 436, 491

The Writ Mandamus to Show Cause presented issues of both fact and law. All respondents were duly⁵ served with the Order to Show Cause. The record shows that no respondent made any Return; no respondent requested more time to answer; and, no respondent provided any objection to the proceedings.

JURISDICTION OF THIS COURT

Article III Section 2: The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; therefore, this court has jurisdiction.

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Justice Powell, in *United States v. Calandra*, 414 U.S. 338, 343 (1974), stated: *"The institution of the grand jury is deeply rooted in Anglo-American history; [n3] In England, the grand jury [p343] served for centuries, both as a body of accusers, sworn to discover, and present for trial, persons suspected of criminal wrongdoing; and, as a protector of citizens against arbitrary and oppressive governmental action. In this country, the Founders thought the grand jury so essential to basic liberties, that they provided, in the Fifth Amendment, that federal prosecution for serious crimes can only be instituted by a 'presentment or indictment of a Grand Jury'. Cf. Costello v. United States, 350 U.S. 359, 361-362 (1956). The grand jury's historic functions survive to this day. Its responsibilities determination whether there is probable cause to believe a crime has been committed, and the protection of citizens against unfounded criminal prosecutions. Branzburg v. Hayes, 408 U.S. 665, 686-687 (1972)."*

"[R]ooted in long centuries of Anglo-American history," Hannah v. Larche, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result), the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It " 'is a constitutional fixture in its own right.' " *United States v. Chanen*, 549 F.2d 1306, 1312 (CA9 1977) (quoting *Nixon v. Sirica*, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977). *In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people.* *Stirone v. United States*, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); *Hale v. Henkel*, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); G. Edwards, *The Grand Jury* 28-32 (1906). *Although the grand jury normally operates, of*

course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length. Judges' direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office. United States v. Calandra, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); Fed.Rule Crim.Proc. 6(a).

FINDINGS OF FACT

Therefore, based upon the record before this court the court finds that:

- (1) The plaintiffs are People as contemplated in the Preamble of the Constitution for the United States of America.
- (2) This above-entitled court is a court of record.
- (3) All defendants were duly served; and, court personnel were apprised of the plaintiffs' claims and the Writ; all defendants had full Notice and fair opportunity to argue their cause; and, defendants did not argue their cause.
- (4) The defendants have not presented any evidence.
- (5) The plaintiffs have suffered an unlawful and illegal diminishment of rights that must be restored.

CONCLUSIONS OF LAW

Further, the court concludes that:

- (1) This above entitled court has the sovereign authority to proceed as a court of record with jurisdiction to act in the instant case and subject matter.
- (2) Because all defendants were duly served; and, court personnel were apprised of the plaintiff's Writ; and, because all defendants had full Notice and fair opportunity to argue their cause; and, did not so do; and, because none of the aforementioned persons made a Return, Objection, or Motion, the above-entitled court has acquired "in personam jurisdiction" of each of the defendants.

IT IS ORDERED AND ADJUDGED THAT:

Default Judgment is hereby entered by this court in accordance with Federal Rules of Civil Procedure, Rule 55(b)(2).

Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly cease all unconstitutional actions and stop blindly approving BAR legislation into laws that are repugnant to the Constitution. All legislation is to state clearly by what authority they act upon.

All legislative infringements upon the Second Amendment are hereby null and void in the United States including and not limited to N.Y.S. Code §265.20, §265.01, §700.00, §400.00, §265.00, §265.02, §265.35, §35.20, §265.10, §2230 (SAFE ACT)

THE COUNTY SHERIFFS IS HEREIN ORDERED to protect the People from state and federal law enforcement agents who are to cease and desist all abuse against the Sovereign People for the exercising of their unalienable "*right to keep and bear Arms*", protected by the 2nd

*Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit:*⁶

THE COURT, entered this _____ day of _____, 2017.

SEAL

Magistrate: Daniel J. Stewart

Grand Jury, Sureties of the Peace for ~~We~~ the People

SEAL


Grand Jury Foreman

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- Against -

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Jurisdiction: Court of Record, under
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⁴ **AT LAW:** Bouvier's This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

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SEAL

DATED: June 5, 2017

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned above a horizontal line.

Grand Jury Foreman

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**UNITED STATES DISTRICT COURT FOR
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The Defendants, Governor A. Cuomo, N.Y.S. Senate, and N.Y.S. Assembly against whom a judgment for affirmative relief is sought, have failed to plead or otherwise defend as provided by these rules; and, that fact is made to appear by Grand Jury Foreman sworn under seal, see attached.

NOW, THEREFORE, THIS COURT OF RECORD issues this Default Judgment Coram Ipso Rege to dispose of the matter as law and justice require, to wit:

SUMMARY

On April 1, 2017, the Grand Jury acting as the Sureties of the Peace on behalf of the People filed in the above-entitled court of record and served upon the Governor and both houses of New York, a writ mandamus to show cause by what authority they act statutorily against the People thereby infringing upon the Peoples' unalienable right to keep and bear arms, protected by the 2nd Amendment and therefore turning a right into a crime thereby being repugnant to both the Constitution for the United States of America and the New York State Constitution.

"The claim and exercise of a constitution right cannot be converted into a crime." -- Miller v. U.S. 230 F 486 at 489

"There can be no sanction or penalty imposed upon one because of his exercise of Constitution rights." -- Sherar vs. Cullen 481 F 2D 946, (1973)

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them" -- Miranda v. Arizona, 384 U.S. 436, 491

The Writ Mandamus to Show Cause presented issues of both fact and law. All respondents were duly⁵ served with the Order to Show Cause. The record shows that no respondent made any Return; no respondent requested more time to answer; and, no respondent provided any objection to the proceedings.

JURISDICTION OF THIS COURT

Article III Section 2: The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; therefore, this court has jurisdiction.

⁵ Duly: According to law, in both form and substance. Black's 6th.
Default Judgment

AUTHORITY OF THE GRAND JURY AS SURETIES OF THE PEACE

"If any of our civil servants shall have transgressed against any of the people in any respect; and, they shall ask us to cause that error to be amended without delay; or, shall have broken some one of the articles of peace or security; and, their transgression shall have been shown to four (4) Jurors of the aforesaid twenty five (25); and, if those four (4) Jurors are unable to settle the transgression, they shall come to the twenty-five (25), showing to the Grand Jury the error which shall be enforced by the law of the land." Magna Carta, June 15, A.D. 1215, 61.

Justice Powell, in *United States v. Calandra*, 414 U.S. 338, 343 (1974), stated: *"The institution of the grand jury is deeply rooted in Anglo-American history; [n3] In England, the grand jury [p343] served for centuries, both as a body of accusers, sworn to discover, and present for trial, persons suspected of criminal wrongdoing; and, as a protector of citizens against arbitrary and oppressive governmental action. In this country, the Founders thought the grand jury so essential to basic liberties, that they provided, in the Fifth Amendment, that federal prosecution for serious crimes can only be instituted by a 'presentment or indictment of a Grand Jury'. Cf. Costello v. United States, 350 U.S. 359, 361-362 (1956). The grand jury's historic functions survive to this day. Its responsibilities determination whether there is probable cause to believe a crime has been committed, and the protection of citizens against unfounded criminal prosecutions. Branzburg v. Hayes, 408 U.S. 665, 686-687 (1972)."*

"[R]ooted in long centuries of Anglo-American history," Hannah v. Larche, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result), the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It " 'is a constitutional fixture in its own right.' " United States v. Chanen, 549 F.2d 1306, 1312 (CA9 1977) (quoting Nixon v. Sirica, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977). In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people. Stirone v. United States, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); Hale v. Henkel, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); G. Edwards, The Grand Jury 28-32 (1906). Although the grand jury normally operates, of

course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length. Judges' direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office. United States v. Calandra, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); Fed.Rule Crim.Proc. 6(a).

FINDINGS OF FACT

Therefore, based upon the record before this court the court finds that:

- (1) The plaintiffs are People as contemplated in the Preamble of the Constitution for the United States of America.
- (2) This above-entitled court is a court of record.
- (3) All defendants were duly served; and, court personnel were apprised of the plaintiffs' claims and the Writ; all defendants had full Notice and fair opportunity to argue their cause; and, defendants did not argue their cause.
- (4) The defendants have not presented any evidence.
- (5) The plaintiffs have suffered an unlawful and illegal diminishment of rights that must be restored.

CONCLUSIONS OF LAW

Further, the court concludes that:

- (1) This above entitled court has the sovereign authority to proceed as a court of record with jurisdiction to act in the instant case and subject matter.
- (2) Because all defendants were duly served; and, court personnel were apprised of the plaintiff's Writ; and, because all defendants had full Notice and fair opportunity to argue their cause; and, did not so do; and, because none of the aforementioned persons made a Return, Objection, or Motion, the above-entitled court has acquired "in personam jurisdiction" of each of the defendants.

IT IS ORDERED AND ADJUDGED THAT:

Default Judgment is hereby entered by this court in accordance with Federal Rules of Civil Procedure, Rule 55(b)(2).

Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly cease all unconstitutional actions and stop blindly approving BAR legislation into laws that are repugnant to the Constitution. All legislation is to state clearly by what authority they act upon.

All legislative infringements upon the Second Amendment are hereby null and void in the United States including and not limited to N.Y.S. Code §265.20, §265.01, §700.00, §400.00, §265.00, §265.02, §265.35, §35.20, §265.10, §2230 (SAFE ACT)

THE COUNTY SHERIFFS IS HEREIN ORDERED to protect the People from state and federal law enforcement agents who are to cease and desist all abuse against the ~~S~~overeign ~~P~~eople for the exercising of their unalienable "*right to keep and bear Arms*", protected by the 2nd

*Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit:*⁶

THE COURT, entered this _____ day of _____, 2017.

SEAL

Magistrate: Daniel J. Stewart

Grand Jury, Sureties of the Peace for ~~We~~ the ~~P~~eople

SEAL


Grand Jury Foreman

⁶ Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty. Dig. 50, 17, 20
Default Judgment

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**
• 445 Broadway; Albany, NY. 12207-2936 •

Unified United States Common Law Grand Jury;¹

Sureties of the Peace²

P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, WY:

Grand Jury, Sovereigns of the Court

We the People

- Against -

Governor A. Cuomo, N.Y.S. Senate Majority
Leader John J. Flanagan and N.Y.S. Assembly
Speaker Carl E. Heastie

Defendant

Jurisdiction: Court of Record, under
the rules of Common Law³
Action at law:⁴

Case NO: 1:16-CV-1490

Magistrate: Daniel J. Stewart

DEFAULT

Default Judgment

We the People move the court for a default judgment against Governor A. Cuomo, N.Y.S. Senate Majority Leader John J. Flanagan and N.Y.S. Assembly Speaker Carl E. Heastie,

¹ **The UUSCLGJ** is comprised of fifty Grand Jurys each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

² **SURETIES OF THE PEACE:** If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

³ **"A Court of Record** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ **AT LAW:** Bouvier's This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

I, Grand Jury Foreman, having firsthand knowledge of the following facts, do hereby swear under seal that the following facts are true and correct:

That, on March 1, 2017, ~~We~~ the ~~People~~ filed papers in the above Article III court thereby opening a court of record.

Whereas New York Governor A Cuomo, New York Senate and the New York Assembly violated and continue to violate the unalienable right of ~~We~~ the ~~People~~ to keep and bear arms, protected under the 2nd Amendment.

WHEREAS: on May 1, 2017 (61 days after serving), defendants defaulted; the record shows that the defendant made no Return; the defendant did not request more time to answer; neither did the defendant provided any objection to the proceedings; and,

The common ploy moving the court for dismissal for "No Standing" used by Attorneys General with a willing judge in order to shield government servants is for slaves, not sovereigns. ~~We~~ the Sovereign ~~People~~ will not accept a dismissal; magistrates have no such leave in this court of record to dismiss by summary proceeding.⁵

THEREBY: the law requires the court be moved for a default judgment. The court is to order the defendants Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly to cease all unconstitutional actions and stop blindly approving BAR legislation into laws that are repugnant to the Constitution. All legislation is to state clearly by what authority they act upon.

~~We~~ the Sovereign ~~People~~ authorize the movement of this court for a default, rendering all legislative infringements upon the second Amendment null and void in the United States including and not limited to N.Y.S. Code §265.20, §265.01, §700.00, §400.00, §265.00, §265.02, §265.35, §35.20, §265.10, §2230 (SAFE ACT). The court is to direct all County Sheriffs to protect the People, from state and federal law enforcement agents who are to cease and desist all abuse against ~~We~~ the Sovereign ~~People~~ for the exercising of our unalienable "*right to keep and bear Arms*", protected by the 2nd Amendment.

⁵ **Summary proceeding:** *"Any proceeding by which a controversy is settled, case disposed of, or trial conducted, in a prompt and simple manner, without the aid of a jury, without presentment or indictment, or in other respects out of the regular course of the common law."* Sweet; and see Phillips v. Phillips, 8 N.J.L. 122.

Default Judgment - Entering a Default: *"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend; and, that failure is shown by Affidavit or otherwise [under seal], the clerk must enter the party's default."* FRCR Rule 55(a); FRCR Rule 58(b) (2); 28 U.S.C. §2243.

*Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit.*⁶

SEAL

DATED: June 5, 2017

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned above a horizontal line.

Grand Jury Foreman

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**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**
• 445 Broadway; Albany, NY. 12207-2936 •

Unified United States Common Law Grand Jury;¹
P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace²

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY:

Grand Jury, Sovereigns of the Court
We the People

- Against -

Governor A. Cuomo, N.Y.S. Senate Majority
Leader John J. Flanagan and N.Y.S. Assembly
Speaker Carl E. Heastie

Defendants

Jurisdiction: Court of Record, under
the rules of Common Law³

Case NO: 1:16-CV-1490

Magistrate: Daniel J. Stewart

Decision and Order

Default Judgment; Entering a Default: *"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by Affidavit or otherwise [under seal], the clerk must enter the party's default."* FRCP Rule 55(a); FRCP Rule 58(b)(2); 28 U.S.C. §2243.

COMES NOW THE ABOVE-ENTITLED COURT OF RECORD, to review the record, summarily determine the facts, and dispose of the matter as law and justice require.⁴

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The Defendants, Governor A. Cuomo, N.Y.S. Senate, and N.Y.S. Assembly against whom a judgment for affirmative relief is sought, have failed to plead or otherwise defend as provided by these rules; and, that fact is made to appear by Grand Jury Foreman sworn under seal, see attached.

NOW, THEREFORE, THIS COURT OF RECORD issues this Default Judgment Coram Ipso Rege to dispose of the matter as law and justice require, to wit:

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The Writ Mandamus to Show Cause presented issues of both fact and law. All respondents were duly⁵ served with the Order to Show Cause. The record shows that no respondent made any Return; no respondent requested more time to answer; and, no respondent provided any objection to the proceedings.

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Article III Section 2: The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; therefore, this court has jurisdiction.

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Justice Powell, in *United States v. Calandra*, 414 U.S. 338, 343 (1974), stated: *"The institution of the grand jury is deeply rooted in Anglo-American history; [n3] In England, the grand jury [p343] served for centuries, both as a body of accusers, sworn to discover, and present for trial, persons suspected of criminal wrongdoing; and, as a protector of citizens against arbitrary and oppressive governmental action. In this country, the Founders thought the grand jury so essential to basic liberties, that they provided, in the Fifth Amendment, that federal prosecution for serious crimes can only be instituted by a 'presentment or indictment of a Grand Jury'. Cf. Costello v. United States, 350 U.S. 359, 361-362 (1956). The grand jury's historic functions survive to this day. Its responsibilities determination whether there is probable cause to believe a crime has been committed, and the protection of citizens against unfounded criminal prosecutions. Branzburg v. Hayes, 408 U.S. 665, 686-687 (1972)."*

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FINDINGS OF FACT

Therefore, based upon the record before this court the court finds that:

- (1) The plaintiffs are People as contemplated in the Preamble of the Constitution for the United States of America.
- (2) This above-entitled court is a court of record.
- (3) All defendants were duly served; and, court personnel were apprised of the plaintiffs' claims and the Writ; all defendants had full Notice and fair opportunity to argue their cause; and, defendants did not argue their cause.
- (4) The defendants have not presented any evidence.
- (5) The plaintiffs have suffered an unlawful and illegal diminishment of rights that must be restored.

CONCLUSIONS OF LAW

Further, the court concludes that:

- (1) This above entitled court has the sovereign authority to proceed as a court of record with jurisdiction to act in the instant case and subject matter.
- (2) Because all defendants were duly served; and, court personnel were apprised of the plaintiff's Writ; and, because all defendants had full Notice and fair opportunity to argue their cause; and, did not so do; and, because none of the aforementioned persons made a Return, Objection, or Motion, the above-entitled court has acquired "in personam jurisdiction" of each of the defendants.

IT IS ORDERED AND ADJUDGED THAT:

Default Judgment is hereby entered by this court in accordance with Federal Rules of Civil Procedure, Rule 55(b)(2).

Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly cease all unconstitutional actions and stop blindly approving BAR legislation into laws that are repugnant to the Constitution. All legislation is to state clearly by what authority they act upon.

All legislative infringements upon the Second Amendment are hereby null and void in the United States including and not limited to N.Y.S. Code §265.20, §265.01, §700.00, §400.00, §265.00, §265.02, §265.35, §35.20, §265.10, §2230 (SAFE ACT)

THE COUNTY SHERIFFS IS HEREIN ORDERED to protect the People from state and federal law enforcement agents who are to cease and desist all abuse against the ~~S~~overeign ~~P~~people for the exercising of their unalienable "*right to keep and bear Arms*", protected by the 2nd

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THE COURT, entered this _____ day of _____, 2017.

SEAL

Magistrate: Daniel J. Stewart

Grand Jury, Sureties of the Peace for ~~We~~ the ~~P~~people

SEAL


Grand Jury Foreman

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